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DEPARTMENT OF TRANSPORTATION
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*"Government is not eloquence. It is not
reason. It is a force. Like fire, a
dangerous servant and a fearful master."*

- George Washington

15 pgs.

I am writing in response to the proposal adjustment in Pilotage rates.

First, let me introduce myself. My name is Mike Opack. I began sailing the Great Lakes in 1951, received my original license in 1957, my Master's License in 1973 and became a pilot in 1974. In all, I have 46 years of experience on the Lakes, including a 23 year sentence as a pilot with less and less time off for good behavior.

In reading the proposal, I can see that a lot of time and effort has gone into this. I applaud your effort. Unfortunately, I cannot applaud the results.

In the past I have suggested, as I'm sure have others, that pilots have input in rule-making. Until they do, said rules will never be fair to pilots. People in Washington DC are just not familiar with the subject from our end and no matter how diligent your efforts, you will probably never be rewarded with good results without pilot input.

Pilots comprise half of the Florida state Pilotage Board. It is my understanding that pilots sit on the Pilotage Board in other states.

We hear much these days about returning power to the states. We can't do it in this case, so why not emulate the states?

In your summary on page 002/008 it says that it has been determined that pilots are not meeting these targets. That has been true for years. See chart, next page. On two past occasions, I asked the then Director what was 1st Mate and Masters pay and was told they didn't know. Nobody would tell them. They were shooting at the targets they couldn't see, as a result we have been short-changed many times, even though we almost never miss the target when it comes to bridge hours.

I realize that many of the following complaints cannot be addressed under existing rules and this proposal may be best that can be done within these rules.

However, I have suggested changes in previous letters and in telephone conversations. I'm sure others have also. But nothing has been done, and this sad saga continues. (Note: see enclosures).

One of the worst, if not the worst element of the rate-making process is targeting our compensation at 1st Mates pay in undesignated waters. The term undesignated waters implies open waters and clear sailing. Undesignated water is neither all open water, nor all clear sailing. Even on open waters problems can arise. The 1st mate is on the bridge of the Laker, he calls the captain. On the ships we service, they call the pilot. All undesignated waters are not open waters. The Straits of Mackinaw, for instance, Round Isl. Pass, 1200 feet wide right in front of Mackinac Island. Grays Reef Channel half mile wide. All ports are undesignated waters. The

Used as base year with a base of 1.0		
With 3% annual adjust		Actual
1985	1.0	1.0
1986	1.03	1.0
1987	1.0609	1.06
1988	1.0927	1.06
1989	1.1255	1.06
1990	1.1593	1.06
1991	1.1940	1.06
1992	1.2299	1.166
1993	1.2667	1.166
1994	1.3047	1.166
1995	1.3439	1.166
1996	1.3842	1.166
1997	1.4257	

Note No. 1: Inflation over this span probably averaged more than 3%.

Note No. 2: A 22% increase over present rates would have to be in place next spring to catch up.

Note No. 3: In 11 of the past 12 years the pilots have fallen behind. This proposal does not attempt to rectify that. In the words of one of the U.S. governments most famous employees, the immortal Maxwell Smart, "Sorry about that."

Note No. 4: In each of these 11 years, pilots have done their jobs. In 9 of these years the government has not.

1st Mate does not take the vessel to and from a berth. The captain does. On our ships the pilot does.

To add insult to injury we are required to work more hours to receive 1st Mates pay than 1st Mates are.

You use a figure of \$92,290. I cannot comment on this figure, because it does not include a breakdown.

However, I have seen one breakdown and it was based on 260 days. On a laker, time off is a contract item, therefore part of compensation. The lakers get 1 day off for every 2 days they work. $2/3$ of 260 = 173 $1/3$ days worked. Anything over 8 hours in a day is overtime paid at a premium and would result in a figure higher than our target. Therefore for target purposes, we must use an 8 hour day. $173 \frac{1}{3} \times 8 = 1386 \frac{2}{3}$. Our target for Bridge hours is 1800 hours, 29.8% more hours for the same pay.

Believe it or not, it gets worse. Travel time is not counted. At one meeting I attended, some one responded by saying everyone travels from home to work. Fair enough, but only when you refer to travel from our home or hotel to the ship or pilot boat. The pilot boat ride at the upper end of the St. Mary's river is 45 minutes to an hour and the pilot has to drive 60 miles one way or the other. At Port Huron the pilot boat ride is 30 - 40 minutes. However, occasionally ships will come in clusters and 2 or 3 changes are made on one run. On these occasions a pilot sometimes spends 2 or 3 hours on the pilot boat.

Finally, because of the large size of District 3, we sometimes have to go overland from one place to another. The trips range from 200 to a little over 700 miles by car using the most direct route. Public Transportation can and often does add to the mileage. From 4/9/96 to 9/30/96 I made 18 such trips, for a total of slightly more than 8000 miles. I know everybody has to travel to and from work, but we literally go the extra mile.

In 1990 Upper Great Lakes Pilots laid off 5 pilots. In 1992 they were told it was not legal to lay off pilots or even trainees and were ordered to call them back. Anything that applied to them has to apply to us.

We now have 16 pilots and 2 trainees, a total of 18. Your determination is for 14 pilots. The Director wisely recommends more, but even 16 is not enough. What do we do with the extra 2 or 4 people. Considering the age of our pilots, it would be insane to lay off the trainees, even if we could. On the other hand, we can't lay off registered pilots and keep the trainees.

We also have 4 Canadian pilots. Since I'm not sure if these numbers include the Canadians, I can't comment on this except to say that if these numbers include Canadians, it would conflict with an existing agreement on what percentage of the revenue they are entitled to.

Previously the rate-making process stated that traffic was not the only factor to be considered. One of the others listed was age and health of the pilots. This may still be in the process, I don't know.

Also, the old rules added one pilot to handle the business affairs of the group. I believe this was removed. It's still necessary for the president or someone to go off the roll at times. You should reinstate this clause or at least add $\frac{1}{2}$ a pilot for rate-making purposes.

As I've said before, other areas should be changed from undesignated waters to designated waters. Others have also said this (see enclosures).

You have determined that only 2 pilots are needed in the St. Mary's River. This is totally unbelievable. I spent 8 years as a river pilot and we always had 8 pilots, at times 9 or 10. I do not remember sitting around for days at a time. We had more ships then, but not 4 or 5 times as many.

Nowhere in this proposal are Harbor Pilots mentioned, so I will make a few comments, hopefully brief.

1. This year, for the first time since I've been a pilot, we do not have a Chicago harbor Pilot. This means that Lake Pilots, instead of getting some rest and relaxation between jobs, sometimes have to make harbor moves. I am supposed to be the Duluth harbor Pilot, but I've been gone on lake jobs more than I've been in Duluth. The situation in Duluth is much like Chicago.
2. Given the age of our group, we'll need quite a few new people in the near future if pilotage is to survive. Training trips are required and there has to be someone there to supply the training. It should be supplied by a regular Harbor Pilot rather than whoever happens to be there.
3. It is impossible for a Harbor Pilot log 1800 hours if he spends most of his time in his particular harbor. Some adjustment should be made.

Your traffic projections do not appear to be very accurate. It seems they are based on our slow start. Does anyone remember last winter? It was one of the coldest, snowiest, and longest in memory and was the major factor in the slow start. I live in Duluth, MN. The city of Duluth broke the record for snowfall. The State of Minnesota broke the all-time record for cold temperature. Nothing much needs to be said about the length of the winter. The conditions this spring were as bad as I've ever seen.

As of Sept. 30, 1995 we had 209 ships into District 3. As of Sept. 30, 1996 we had 203, a decrease of 2.95%. We have had a decrease in tanker traffic to Soo, Ontario and Thunder Bay. This more than accounts for the loss of 6 ships and has nothing to do with grain. By the end of the season there's a better than even chance we'll exceed last years totals.

You mention a grain shortage. The bad crops are mostly in areas that don't ship through the lakes. Canada had a bumper crop and everyone in Thunder Bay expects a busy fall. The areas that ship through Duluth had decent crops and traffic in Duluth has been strong lately.

If you check the figures now, you will probably find an increase in ships in the St. Mary's River and Lake Superior over last year.

Your 75% projection will probably be reached by the date of the public hearing.

Nothing in the rules recognizes the size and configuration of District 3. Pilots in other districts live at home and are home much more than we are. There's really no place we could live that would change that very much.

We are away from home more, we make much longer trips and do more overland travel. Incredibly, there are people who believe we're home every night.

Also, people point out that we have all winter off. True, but meaningless. Pilots on the coasts usually work a week or two on and an equal time off. They work 6 months, we work from 190 to 210 days.

I could go on and on; if I went into detail this letter would look like the Encyclopedia Brittanica, but I've shot enough holes in your proposal. I'm sorry, but I don't think I've brought up anything untrue or unreasonable.

The proposal written is, at best, a start. Some things, such as traffic projections and pilots numbers, should be adjusted before it is finalized.

Once it is finalized, work should begin on addressing the issues I've raised. As written now, we don't really have a Rate-Making Process, we have a Rate-Braking Process.

Mrs. McDonald wrote an excellent letter. To achieve the objectives she laid out for pilots, many changes have to be made. And please, if you try to make changes, don't do it without pilot input.

I have been a close observer of pilotage for 23 years. I became a pilot at kind of a low point. I watched it improve for a while and then begin a long steady decline, a decline which has accelerated for the last few years to its present pitiful state. Most of my remarks comprise a story of these last few years. It is not a pretty story. Definitely not a comedy. There have been few heroes and lots of villains. From my point of view it has been brutal and tragic most of the time, with only a few bright spots.

After I finished, I began to wonder how other people would see it. I don't have access to famous people and I've been very busy dealing with this 25% decline in traffic. Therefore I've had to use my imagination a bit.

"Heartbreaking"

- Marquis De Sade

"Guess I'll have to rewrite the Gettysburg Address."

- Abraham Lincoln

"Frightening"

- Freddie Krueger

"Wish I'd written it."

- Edgar Allan Poe

"It wasn't supposed to happen this way."

- Thomas Jefferson

"It gave me nightmares. I couldn't sleep for weeks."

- Rip Van Winkle

"My blood ran cold."

- Jack the Ripper

"Ask not what your country can do for you, ask what your country has done to you and why."

- Private Eddie Slovik

I started with a quotation so I'll finish with one.

"There are none so blind as those who will not see."

I don't know who said it, but I'm pretty sure I know who he was talking about.

Look for the exciting sequel:

"Japanese/American Internment, 1942, Trail of Tears Indian Relocation, Great Lakes Pilotage 1986-96 and other Atrocities."

Pick up a copy at your local morgue.

Dec. 27,1991

Michael Opack
1815 Berwick Circle
Duluth, Mn. 55811

Sir,

I would like to comment on the proposed Pilotage rate increase (CGD89-104).

My name is Michael Opack. I could say Capt. Michael Opack, but titles mean very little to me. Besides, it would be quite pretentious for a man who makes less than a dishwasher to use any title. I have been a pilot in District 3 for 18 years including 8 years in the St. Mary's River and 1 year as Harbor Pilot in Milwaukee and Chicago. Before that I was on the Lakes for over 20 years, most of that time in a licensed capacity. I received my original license in 1957 and my Master's in 1973.

My comment is simple. Too little and far too late. When I say too little I don't mean only the amount. Any increase, be it temporary or permanent, large or small, is but one step in a very long journey towards fair and just treatment of Pilots. When I say too late, never mind that the Coast Guard was notified of the situation in 1983. Never mind that the FBI, Justice Dept. and who knows what other agencies have been involved since 1984. In 1989, approximately 50% of the District 3 Pilots joined forces and asked the government to do what was necessary. To this date absolutely nothing has been done. The situation in 1991 was far worse than in 1989. We have made hundreds of calls to Washington and always get 1 of 3 responses:

1. We can't do anything. I've heard so much of this I wonder why the hell we even have a government.
2. It takes time. What hogwash. Anyone who says a thing like this must have been in a coma the last 2 years. Hardly a week has passed without some major event. It only takes one day to do a one day job. Some people can do it in less.
3. Be patient. Easy to say for someone who gets full pay whether they do their job or not. Totally ridiculous to say this to someone who does 150% of a government-established workload, yet receives only half-pay.

As I said, there is much to be done, but if you do it at the present pace, why bother? We'll all be dead before you finish. To sum it all up, the rate making process stinks, the Coast Guard oversight stinks and the insensitivity of the government stinks.

At this point, I'm sure you think I have a bad attitude. You are 100% correct. Let me describe the last 3 years and you will understand why I feel the way I do.

In 1989, I was paid \$32,000. First year graduates of the Great lakes Maritime Academy averaged \$35,000, Third mates averaged \$45,000. That's when we objected.

Six people were illegally fired, a situation the Coast Guard has yet to address. There is a similar situation in District 2, involving only 1 man. The Coast Guard has addressed this. Apparently there are different rules for District 3.

Those of us who have not been fired have worked at a brutal, inhuman pace for 2 years. The government standard for a lake pilot is 1800 hours. In 1990 I worked 2800 hours, in 1991 almost as many. In 1990 I received about 50% of what I should have. The final figures for 1991 are not in yet, but I'll probably get the other 50%. So in 2 years, I have done the equivalent of 3 years work and will receive about 1 year's pay.

During these 2 years we have drastically reduced our standard of living. We sold my wife's car, our "Good" car has over 100,000 miles. We have put off buying a new car. We've also put off a lot of other things. There have been no family vacations. It's been 4 years since I've given my wife a decent Christmas present. We have used our savings, borrowed against insurance policies and gone into debt. 3 years at half-pay is a long time, especially when you're working more than full-time. We can't go on like this indefinitely. Bankruptcy is only months away. The only thing between us and total disaster is the United States Coast Guard. Believe me this is not a very comforting thought.

A couple of years ago, I had plans for the future. They are all down the drain and at this point, I can't even be sure I'll have a future.

In 1991, I only had 5 days off, in 1990, 20 days off. Our season runs from mid April to mid-December, 244 days. The Lakers get 1 day off for each 2 days worked. In 488 days I had 25 off. My family life has been practically non-existent. Time off is part of compensation. Target compensation is tied to the Lakers. During the Gulf War, much was written about Smart Bombs. It seems to me that the stupidest bomb ever built probably came a hell of a lot closer to its target than what we see here.

Let's talk health. Piloting is a high-stress profession. A 150% work-load does not make it better. Add to this the financial pressure plus the pressure of fighting the system. Throw in a government that refuses to do its job and you have an intolerable situation. I don't know yet if my health has been adversely affected, but I do know a couple of things:

1. If there are any effects, they will not be positive.
2. This pace cannot safely be sustained indefinitely.

The body count will probably begin next year.

To sum it up, I have had a greatly increased work-load, greatly decreased pay, little time off, little family life, my health has been placed at risk. During a period which should be my peak earning years instead of getting ahead, much of what I worked for has gone down the drain and my future has been placed in jeopardy.

Now for specifics. The rate making process is seriously flawed and should be replaced or completely over-hauled. One component is traffic projections. I cannot fault anyone for an inaccurate projection, but a short-fall in traffic translates into a short-fall in pilot compensation. Another component is Target Compensation. On at least 2 occasions I asked the former Director what were Laker pay scales and was told they didn't know. I don't know what they did, but they must have estimated. When they finally did get the figures the estimates were far to low. Who was short-changed? Who else? The Pilots.

While on the subject of Target Compensation, why should a pilot be paid what First Mates on a Lakerget? The only similarity between the 2 jobs is they're both performed aboard ship.

Designated Waters-Many places now considered Undesignated should be re-classified as Designated, particularly the ports. The First Mate does not take the ship in and out of port. In fact, if he's off-watch, he may be sleeping. In 18 years as a pilot I have never entered or departed port off-watch.

Bridge Hours-1800 hours for lake work is okay, but at present quite a bit of that 1800 hours is performed in waters which should be Designated.

1000 hours for the St. Mary's River is too much. It should be 700 to 750.

Harbor Pilots-We need them, but it's impossible for them to get 1800 hours. However, they work in what should be Designated Waters.

Number of Pilots-There seem to be many factors which are not being considered when determining the number of pilots needed. Some of these factors are: wide fluctuations in traffic levels during the season, time off, emergency time off for family emergencies, sickness, injury, etc., the occasional happy event such as wedding or graduation, and sick days. Government employees get sick days, the Coast Guard gets sick days, Canadian Pilots get sick days. We don't. Must we be at the bottom of every list?

Time Off-It doesn't seem to be mentioned anywhere, but everyone else gets it. Why not us?

Finally, there are 3 logical conclusions which seem to be escaping everyone in Washington.

1. The government has seen fit to set our rates, decide how much we should earn and how many hours we should work. Is it unreasonable to expect the people who set the standards to see that those standards are met?
2. When you come upon a rape or a mugging, the logical first step is to stop it. Then determine who is at fault and what should be done. In our case, the process has been reversed and the rape goes on.
3. The law clearly states what we are supposed to be paid. I have pointed out many parts of this law which should be changed. However, until these or any other changes are

made, the matter seems to be non-negotiable. No matter what anyone thinks, the law clearly states what we are to be paid. All that is required is for everyone in Washington to do their jobs. The pilots have done their jobs under horrible conditions. We have been conscientious and dedicated. We have set an example. Follow it!!!

Michael Opack Pilot #330

Michael Opack

1995

I would like to comment on Proposal Rule-Making Great Lakes Pilotage Rate Methodology (CGD 92-072)

I have been told there were quite a few people involved in this project. I've been wondering if perhaps some of them were not familiar with Great Lakes Pilotage, so I have prepared a brief history (Enclosure A). I am also enclosing a copy of a letter I sent in response to the Temporary Rate Adjustment in 1992 (Enclosure B). Enclosure B will tell you who I am and what my credentials are.

When I looked over the proposal it broke itself down into 3 parts.

The 1st part deals with the Methodology itself. This falls well outside my area of expertise, so I don't have much to say on this. I would like to remind you, however, of something called Target Compensation. It doesn't seem to matter what route you take to get there as long as the target is reached.

A large part deals with accounting, also not my forte. It appears that these proposals may be a bit more complicated, therefore more expensive. The regulations also say that the rates have to provide money to pay expenses. So whatever you want is fine as long as you provide the money to pay for it.

The only part I consider important is the part about pilot compensation. There's not really much in this proposal about compensation and there are no significant changes. In Enclosure B I made several comments about pilot compensation as it affected rate-making. All of these comments have been ignored. Rather than repeat them I ask you to please read Enclosure B and I will restrict any further comments to those not contained in the other letter.

1. Designated Waters. A few years ago there was talk about changing the Straits of Mackinac to Designated Waters. There was at the time something called a "B" License, issued by Canada and recognized by the United States. After the Exxon Valdez incident, the United States withdrew recognition. After that there was no more talk about designating the Straits. This should be done now. There were good reasons for doing so a few years ago and those reasons still exist. The same goes for the other places mentioned in Enclosure B.

2. Number of Pilots

A). In 1990, Upper Great Lakes Pilots, our predecessor laid off 6 pilots the Coast Guard told them they could not do this. They gave Upper Great Lakes Pilots a list, saying everyone on that list had to be called back. This ruling now applies to Western Great Lakes Pilots. I agree with the ruling 100%, but it leaves us with no way to deal with a reduction in traffic and therefore in revenue. According to the Methodology, the number of pilots will be determined by traffic projections. We could find ourselves in a situation where projections call for one number and the above mentioned Coast Guard list contains a different number. In a case

like this the higher number should be used to fix the rates.

B). In Enclosure B I listed several factors that determine the number of pilots needed. One of these was wide fluctuations in traffic levels. Let me tell you about 1993. Regarding the number of ships and the revenue generated, the mid-point of last year was October 1. That means we did as much work in the last 2 and a half months as we did the first 5 and a half months. We worked with little or not rest between assignments and little or no time off. Airline pilots don't do this. Neither do railway engineers, truck drivers or bus drivers. Government rules wisely prevent them from doing so. We should not work like that. I have read several articles about sleep. From what I read sleep cannot be stored nor can it be made up once it is lost.

I leave you with one final thought: Target Compensation.

1. The government decides how much we should earn.

2. They target our pay not to match other pilots, but to laker first mates, a job totally unrelated to piloting. Why not brain surgeons or the C.E.O. of Disney as targets? Makes as much sense as 1st Mates.

3. The government makes no attempt to see that their own standards are met.

This could very well be illegal. If not it should be. I'm not a legal expert but my nose works fine and I detect a very strong odor.

Mike Opack
Pilot Number 330

enclosures

RESPONSE TO MRS. MCDEVITT'S
EXCELLENT LETTER

Michael Opack
Pilotage Concept

I have read the SLDC Pilotage Concept and am basically in agreement. However, to turn this concept into reality will require several changes. Here are some of those changes.

Designated/ Undesignated waters: All waters should be designated. If not, the following changes should be made. Straits of Mackinaw and all ports should be designated. Also Green Bay, Saginaw Bay and Georgian Bay.

Bridge hours: One thousand is too many for the St. Mary's River. For lake pilotage eighteen hundred hours is alright if travel time is included. If not it should be reduced.

Compensation: First Mate target is ridiculous and should be dropped. Target compensation should be keyed to pilots in other areas. Great Lakes Master should be absolute minimum.

Rate making: Pilots should have more input. Rates are based partially on projections. If projections are wrong, only pilots suffer irreparable losses.

Number of Pilots: The government has taken the position that pilots cannot be laid off. I agree with this. However, number of pilots should never be lowered below number of registered pilots because of projections.

District Three: District Three covers at least half the system. It also includes some of the more remote areas in the system. District One and District Two Pilots live at home during the shipping season for the most part. This is impossible in District Three. This means District Three Pilots are forced to be away from home more than the others. Also I can think of no practical way to split the district.

At present a ship can ask for a waiver after twelve hours. Because of its size District Three should be allowed eighteen hours to provide a pilot.

Contingency Funds: Funds should be established and held in escrow to be used in times of emergency such as severe drops in volume of business, sudden need for financial outlay, etc.